

In the Matter of Merchant Mariner's Document No. Z-844293 and all
other Seaman Documents
Issued to: R. J. Lowe

DECISION OF THE COMMANDANT
UNITED STATES COAST GUARD

1369

R. J. Lowe

This appeal has been taken in accordance with Title 46 United States Code 239(g) and Title 46 Code of Federal Regulations 137.11-1.

By order dated 26 October 1962, an Examiner of the United States Coast Guard at San Francisco, California suspended Appellant's seaman documents upon finding him guilty of misconduct. The sole specification found proved alleges that while serving as assistant cook on board the United States SS HAWAIIAN CITIZEN under authority of the document above described, on 5 October 1962, Appellant assaulted and battered the ship's chief steward.

At the hearing, appellant voluntarily elected to act as his own counsel. Appellant entered a plea of guilty to the charge and specification. The Investigating Officer and Appellant each made a statement.

At the end of the hearing, the Examiner rendered the decision in which he concluded that the charge and specification had been proved by plea. The Examiner then entered an order suspending all documents issued to Appellant for a period of two months.

FINDINGS OF FACT

On 5 October 1962, Appellant was serving as assistant cook on board the United States SS HAWAIIAN CITIZEN and acting under authority of his document while the ship was at the port of Oakland, California. On that day, Appellant used his fist to strike the Chief steward a single blow after something was said about Appellant being late for work. There is no evidence that the chief steward was injured.

Appellant has no prior record.

OPINION

This appeal consists solely of a plea for clemency based on

Appellant's prior clear record and the financial hardship which this suspension will cause.

The Examiner, in his decision, states that Appellant's clear record for the past eleven years and the fact that no injury was sustained by the battered person "will be considered in his favor." In view of this and the nature of the offense, it is my opinion that the two months' suspension is not excessive. The personal hardship aspect is not material to this determination.

ORDER

The order of the Examiner dated at San Francisco, California, on 26 October 1962, is AFFIRMED.

E. J. Roland
Admiral, United States Coast Guard
Commandant

Signed at Washington, D.C., this 26th day of February 1963.